

REMARKS

Claims 1-6 and 16-23 are pending. By this Amendment, claims 1-3, 16, 20 and 23 are amended, new claims 24-27 are added and no claims are canceled.

**Telephone Interview Summary**

Applicants thank the Examiner for the courtesy extended to their undersigned representative in a telephone interview conducted on January 12, 2010. During the interview, the claims, proposed and suggested amendments to claims 1, 16, 20 and 23, and the reference (Day et al., "A Model for Presence and Instant Messaging," hereinafter "Day") cited in the Office Action mailed September 29, 2009, were discussed. Although no particular agreement was reached with respect to the claims, the Examiner indicated that at least some of the proposed amendments to claim 1 appeared sufficient to overcome the current 35 U.S.C. § 102(b) rejection of that claim based on Day. The Examiner also suggested additional amendments to claim 1 and also to claims 20 and 23 for Applicants' consideration, which their representative indicated would be taken under advisement. Applicants and their undersigned representative thank the Examiner once again for his time, courtesy and candor during the interview.

**Amendments to the Claims**

Claim 1 is amended to recite, in part, specifying, by each of the telecommunications services, at least one event of which the telecommunications service is to be notified by the service mediation server and at least one event which the telecommunications service is capable of transmitting to the service mediation server; connecting the at least one telecommunications

terminal of a user to the service mediation server; defining, via the at least one telecommunications terminal of a user, at least one user profile, the at least one user profile comprising a record of data concerning the user, the data including at least a list of telecommunications services to which the user has subscribed from among a plurality of available telecommunications services, and at least one availability mode corresponding to an activity of the user; transmitting, from the at least one telecommunications terminal to the service mediation server, the at least one user profile availability mode; storing the at least one user profile in a database of the service mediation server; and selecting, via the at least one telecommunications terminal of the user, one of the at least one user profile and at least one availability mode stored in the database as an active user profile and availability mode. Claims 2 and 3 have been amended for consistency with claim 1.

Claim 16 has been amended to recite, in part, at least one database comprising user data, wherein the user data includes at least one user-specified user profile comprising a record of data concerning the user, the data including at least a list of telecommunications services to which the user has subscribed from among a plurality of available telecommunications services and at least one availability mode corresponding to an activity of the user; an availability server adapted to manage and determine a user availability according to user-specified active availability modes and rules included in the user data; and a service management module adapted to receive an event entry defining at least one of an event of which the at least one telecommunications service is to be notified and at least one event to be transmitted by the at least one telecommunications service.

Claims 20 and 23 have been amended to remove means language.

Support for the amendments to the claims can be found throughout the application as filed; refer, for example, to page 4, lines 9-23; page 6, lines 3-27; page 9, line 17 *et seq.*; and the drawings. Therefore, no new matter has been added.

New claims 24-27 have been added to depend from claim 1. Support for claims 24-27 can be found throughout the application as filed; refer, for example, to page 11, lines 26-30. Therefore, no new matter has been added.

### **Claim Rejections – 35 U.S.C. §§ 102 & 103**

Claims 1, 3-5, 16-18, 22 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Day, Rosenberg and Sugano in “A Model for Presence and Instant Messaging,” hereinafter “Day.” Claims 2, 6 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Day. Insofar as the rejections apply to the amended claims, the rejections are respectfully traversed.

First, Day does not disclose, suggest or include evidence of defining a user profile as in amended claim 1. Amended claim 1 recites that at least one user profile comprises a record of data concerning the user, the data including at least a list of telecommunications services to which the user has subscribed from a plurality of available telecommunications service, and at least one availability mode corresponding to an activity of the user, and that the user profile is defined via a telecommunications terminal of a user. Day does not disclose or even suggest such user profile comprising a record of data and at least one availability mode. The Office Action cites only to Day’s “presence information” and does not identify a distinct user profile, nor a user profile that comprises a record of data and at least one availability mode.

Further, the user profile is defined via the at least one telecommunications terminal of a user. Day is silent generally to a user profile, much less a user profile defined via the at least one telecommunications terminal of a user.

Additionally, amended claim 1 recites that the data includes at least a list of telecommunications services to which the user has subscribed from among a plurality of available telecommunications services. Day does not disclose or even suggest a list of telecommunications services or a plurality of available telecommunications services. Day, in contrast, is narrowly concerned with only a “presence and instant messaging system.” (Day, Abstract, Introduction.)

Further, amended claim 1 recites selecting, via the at least one telecommunications terminal of the user, one of the at least one user profile and at least one availability mode stored in the database as an active user profile and availability mode. Day discloses no such selecting of a user profile and availability mode stored in a database as an active user profile and availability mode. The Office Action stated that Day “specifies availability modes that may be used, which are previously stored.” Applicants respectfully request that the Examiner identify where Day so specifies. Referring to Section 2.1, Day provides only that clients provide “presence information to be stored and distributed.” Claim 1, in contrast, requires that the user profile and the availability mode are selected from the at least one stored in the database. There is no such disclosure, suggestion or evidence in Day.

In particular, as illustrated in Fig. 3a of Day, the Presence Service begins with a state of P1. In Fig. 3b, the Presentity changes its state to P2, which is communicated to the Presence Service. In Fig. 3c, the Presence Service has retained only the P2 state, which it also

communicates to the Subscriber. There is no disclosure or suggestion in Day that the previous P1 state is retained, or that P2 was stored in a database as in claim 1.

As amended, claim 1 also recites specifying, by each of the telecommunications services, at least one event of which the telecommunications service is to be notified by the service mediation server and at least one event which the telecommunications service is capable of transmitting to the service mediation server. Applicant respectfully notes that claim 1 recites a user profile, an availability mode and an event. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131, citing *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id.*, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As the Office Action has not identified a user profile, an availability mode and an event, and therefore has not identified each and every element in amended claim 1, in as complete detail as claim 1, claim 1 is not anticipated by Day.

Therefore, claim 1 is allowable. Claims 2-6, and new claims 24-27 not treated in the Office Action, depend from claim 1 and are therefore also now allowable. The rejections of claims 2-6 are traversed but not expressly argued herein in view of the allowability of the underlying base claim.

Similar to claim 1, amended claim 16 recites at least one database comprising user data, wherein the user data includes at least one user-specified user profile comprising a record of data concerning the user, the data including at least a list of telecommunications services to which the user has subscribed from among a plurality of available telecommunications services and at least

one availability mode corresponding to an activity of the user. Amended claim 16 also recites a service management module adapted to receive an event entry defining at least one of an event of which the at least one telecommunications service is to be notified and at least one event to be transmitted by the at least one telecommunications service. Additionally, as discussed above with respect to claim 1, claim 16 recites a user profile, an availability mode and an event.

At least for reasons similar to those set forth above with respect to claim 1, claim 16 is also now allowable. Claims 17-23 depend from claim 16 and are also now allowable. The rejections of claims 17-23 are traversed but not expressly argued in view of the allowability of the underlying base claim.

### **Conclusion**

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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